

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

J.A.V., *et al.*,

Petitioners–Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, *et al.*,

Respondents–Defendants.

Case No. 1:25-cv-0072

**EMERGENCY APPLICATION
FOR A TEMPORARY
RESTRAINING ORDER**

EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER¹

¹ Pursuant to LR7.1(D), Petitioners' counsel attempted to confer with counsel for Respondents prior to filing by e-mailing the local U.S. Attorneys' office at 4:25 p.m. CT and seeking their position. Petitioners' counsel was not able to obtain a response prior to filing.

Petitioners-Plaintiffs (“Petitioners”) and the proposed class are in imminent danger of being removed from the United States—and this Court could potentially permanently lose jurisdiction. Petitioners also request 30-day notice of any intent to remove Petitioners and the opportunity to contest an alien enemy designation, as well as advance notice of transfer of Petitioners out of this District.

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the All Writs Act, Petitioners-Plaintiffs and the proposed class hereby apply for a temporary restraining order against Respondents-Defendants (“Respondents”). Petitioners are civil immigration detainees who are at substantial risk of immediate, summary removal from the United States pursuant to use of the Alien Enemies Act (“AEA”), 50 U.S.C. § 21 *et seq.* against a *non*-state actor for the first time in the country’s history.

As set forth in the accompanying Memorandum of Law, Respondents’ invocation and application of the AEA patently violates the plain text of the statute and exceeds the limited authority granted to the Executive Branch by Congress. Respondents’ invocation and application of the AEA also violates the Immigration and Nationality Act, statutes providing protection for people seeking humanitarian relief, and due process. In the absence of a temporary restraining order, Petitioners will suffer irreparable injury, and the balance of hardships and the public interest favor relief. Critically, moreover, if Petitioners are removed to the custody of another country, the government’s position is that this Court will lose jurisdiction permanently.

In support of this Motion, Petitioners rely upon the accompanying memorandum in support of a Temporary Restraining Order, declarations, and motion and memorandum for class certification. A proposed order is attached for the Court’s convenience. Petitioners respectfully request that this Court grant this emergency application and issue a temporary restraining order as soon as possible.

Dated: April 9, 2025

Lee Gelernt*
Daniel Galindo*
Ashley Gorski*
Patrick Toomey*
Sidra Mahfooz*
Omar Jadwat*
Hina Shamsi*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2660
lgelernt@aclu.org
dgalindo@aclu.org
agorski@aclu.org
ptoomey@aclu.org
smahfooz@aclu.org
ojadwat@aclu.org
hshamsi@aclu.org

Noelle Smith*
Oscar Sarabia Roman*
My Khanh Ngo*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
425 California Street, Suite 700
San Francisco, CA 94104
(415) 343-0770
nsmith@aclu.org
osarabia@aclu.org
mngo@aclu.org

Respectfully submitted,

/s/ Adriana Piñon
Adriana Piñon
TX State Bar No: 24089768; SDTX No.
1829959
Savannah Kumar
TX State Bar No.: 24120098; SDTX
admission pending
Charelle Lett
TX State Bar No.: 24139900; SDTX No.
3908204
Thomas Buser-Clancy
TX State Bar No: 24078344; SDTX No.
1671940
ACLU FOUNDATION OF TEXAS, INC.
P.O. Box 8306,
Houston, TX 77288
(713) 942-8146
apinon@aclutx.org
skumar@aclutx.org
clett@aclutx.org
tbuser-clancy@aclutx.org

Attorneys for Petitioners-Plaintiffs
**Pro hac vice application forthcoming*

CERTIFICATE OF SERVICE

I certify that on April 9, 2025, a true and correct copy of the foregoing document was electronically filed via the Court's CM/ECF system which sends notice of electronic filing to all counsel of record.

/s/ Adriana Piñon

Adriana Piñon, Texas Bar No. 24089768

SDTX Federal Bar. No. 1829959

ACLU FOUNDATION OF TEXAS

P.O. Box 8306

Houston, TX, 77002

Tel: 713-942-8146

Fax: 713-942-8966

apinon@aclutx.org